IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1903 OF 2004

Anil Vasant Patil ....Petitioner.
V/s
State of Maharashtra & Ors.... .....Respondents.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

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Mr.Shreekant V. Gavand and Mrs.Shitala s. Gavand for the petitioner.

Mrs.P. H. Kantharia, APP for the State.

CORAM:V.G. PALSHIKAR
AND
V. C. DAGA, JJ.

15.6.2005.

PC:

By this petition the petitioner who unfortunately lost his son in an accident of drowning seeks a direction to investigate into the case of death of his son.

2. Accordingly investigation was ordered by the National Human Rights Commission and a detailed report has been filed in which it is mentioned that after receipt of the report queries were again made with the Doctor S.P. Gharwadkar who conducted the post mortem. Further an affidavit is filed in this Court by Dr.Gharwadkar para 4 of reads as under:

"4.I state that while conducting the postmortem I did not notice injury to any organ and therefore there was no reason to suspect that the deceased died due to any other reason. I state that although I have not mentioned in the post mortem notes I had noticed that spasm of larynx. I state that as the medical jurisprudence there are 2 types of drowning one is wet drowning which is the case of typical drowning in which the water is found in lungs and abdomens. I state that the second one is atypical drowning and such a cases are about 20% of the submersion causality are cases of dry drowning. I state that in the case of dry drowning wherever the water enters nasophyrynx and larynx, it tigers intense laryngeal spasm. I state that in such a cases little or no water enters the air passages or lungs and death may result from asphyxia. I state that in such a cases if the person is giving immediate medical aid then there are chances for resuscitation."

3. In view of this clear affidavit we see no reason to believe that the death was anything but an accidental death. Hence petition is dismissed.